

REMARKS

Applicant requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-35, 37 and 38 are pending, with Claims 1, 10, 19, 27 and 37 being independent. Claim 36 has been cancelled and Claims 1-5, 8, 10-14, 17, 19-23, 26-31, 34, and 37 have been amended. Claims 38 and 39 are newly added herein.

In the Office Action, Claims 1, 5, 6, 8-10, 14, 15, 17-19, 23, 24, 26, 27, 31, 32 and 34-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,577,179 (Blank). Claim 37 was rejected under 35 U.S.C. § 103(a) as being obvious over the Blank patent. Claims 2, 4, 11, 13, 20, 22, 28 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious over the Blank patent in view of U.S. Patent No. 6,118,427 (Buxton et al.). Claims 7, 16, 25 and 33 were rejected under 35 U.S.C. § 103(a) as being obvious over the Blank patent in view of U.S. Patent No. 5,371,610 (Sugawa). Claims 3, 12, 21 and 29 were rejected under 35 U.S.C. § 103(a) as being obvious over the Blank patent in view of the Buxton et al. patent and “Digital Picture Processing,” second edition, volume 2 (Rosenfeld et al.). These rejections are respectfully traversed. Nevertheless, without conceding the propriety of the rejections, Claims 1-5, 8, 10-14, 17, 19-23, 26-31, 34, and 37 have been amended to even more clearly recite features of Applicant’s invention.

Independent claim 1 is directed to an image processing apparatus which determines a color of a new pixel based upon a color of a first pixel, a color of a second pixel and a transmissivity, and selects attribute information of the new pixel from attribute information of the first pixel and attribute information of the second pixel in accordance with the transmissivity.

The attribute information indicates any of an image, a graphic or a character. In other words, the attribute information indicates which area (i.e., an image, a graphic or a character) a pixel corresponding to the attribute information forms.

In this manner, the attribute information of the new pixel is decided between the attribute information of the first pixel and the attribute information of the second pixel. An attribute suitable to the transmissivity can be set as the attribute of the new pixel. Therefore, a high-quality image can be generated upon overlaying two different images, because an image processing suited to the attribute of each pixel belonging to the overlaid image can be performed.

The Blank patent discloses a system for editing digital images. The system removes the background of an image including an object image, then combines the object image with a preselected background image to form a composite image. The gamma of the preselected background image and the gamma of the object image are matched, thereby making the object appear as if it was imaged under the same lighting condition as the background image. As shown in Fig. 8 of the Blank patent, either the gamma of the background or the gamma of the object image is selected. The Blank patent also discloses an attribute of transparency that indicates whether a pixel is transparent or opaque. Furthermore, the Blank patent discloses a blend factor having a value of 0 to 127, which is used for dynamic variable transparency of the object and is selected by a programmer using trial and error.

However, the Blank patent fails to disclose or suggest selection means for selecting attribute information of the new pixel from attribute information of the first pixel and attribute information of the second pixel in accordance with the transmissivity. According to Fig. 8 of the Blank patent, the gamma is selected from gammas of the object image and the background

image. However, the selected gamma is not selected in accordance with the transmissivity, but rather is selected by a user who can select a desired gamma (see, e.g., Blank, col. 16, lines 1-13). Therefore, the system disclosed in the Blank patent cannot attain the effect that can be attained by Applicant's claimed invention.

The Buxton et al. patent is directed to a graphical user interface with optimal transparency thresholds, and discloses performing optimizations based on an examination of window objects or components with respect to transparency (column 4, lines 15-19). However, the Buxton et al. patent fails to remedy the deficiencies in the Blank patent noted above with respect to independent Claim 1.

The Sugawa patent is directed to an image processing apparatus, and was cited as teaching that pseudo-tone processing based on the dither method or error diffusion method, is better suited for halftone images such as photographs. However, the Sugawa patent also fails to remedy the deficiencies in the Blank patent noted above with respect to independent Claim 1.

The Rosenfeld et al. article is directed to digital picture processing, and discloses segmentation of a picture using multilevel thresholding. However, the Rosenfeld et al. article also does not remedy the deficiencies in the Blank patent noted above with respect to independent Claim 1.

Accordingly, Applicant submits that none of the cited documents, whether taken alone or in combination (assuming for the sake of argument that one of ordinary skill in the art would even be motivated to combine the documents as suggested in the Office Action), discloses or suggests the foregoing features of independent Claim 1.

Independent Claims 10, 19, 27, and 37 each recites features corresponding to those of Claim 1 discussed above and each is, therefore, allowable for substantially the same reasons.

For at least the foregoing reasons, Applicant submits that independent Claims 1, 10, 19, 27 and 37, are allowable over the cited art. The dependent claims also are allowable for the same reasons as the respective independent claim from which they depend, as well as for the additional features they recite.

Applicant submits that the application is in condition for allowance. Favorable consideration of the claims and passage to issue of the application at the Examiner's earliest convenience are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David A. Divine", is written over a horizontal line.

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